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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,381	01/11/2002	Hiroyuki Nishida	Q68032	5497
7590	12/06/2004		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			WEEKS, GLORIA R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	10/042,381	
Examiner	NISHIDA, HIROYUKI	
Gloria R Weeks	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 May 2004.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-17 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to Applicants' amendment received on May 13, 2004.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unsure as to what element the phrase "one thereof" in line 12 of claim 1 is referring.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10, 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al. (USPN 6,612,100).

In reference to claims 1-10, 13, 14, 16 and 17, Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting/stacking means (104, 400A, 400B) including decurling means (suction apertures); covered sheet stack producing means (200, 300, 500, 600, 800); packaging means (700, 800) including a bag packaging means (700) for

packaging the covered stacks, and a box packaging means (800) for packaging the bagged and covered stacks; a pallet (855) for supporting the sheet stacks (W); wherein the protective cover (12) includes transversely extending bending lines (figure 1), for defining first, second and third portions each to be positioned on a face portion of the stacked sheets (F); a pre-bending means (200), wherein the covered sheet stack producing means (200, 300) includes a first handling means (810) for placing a protective cover and the stacked sheets (26) on an upper surface of a remaining one (26) thereof (column 33, lines 6-46), a second handling means (600), and folding means (492; column 15, lines 55-61) for folding the protective cover.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (USPN 6,612,100) in view of Honneger (USPN 5,733,099).

Regarding claims 11 and 12, Morimoto discloses a handling system for conveying the stacks to a means for protecting the stacks with a cover, but does not disclose this means including a rotating chuck means. Honneger teaches a system of stacking and covering sheets including a sheet chuck means (46), moving robot arms (100, 178) and rotating means (50) for the purpose of turning over the stacked sheets. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify

the sheet handling means of Morimoto et al. to include the sheet chuck means of Honneger for the purpose of transferring the stacked sheets to the cover sheet packaging means.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (USPN 6,612,100) in view of Loree et al. (USPN 5,878,554).

With respect to claim 15, Morimoto et al. discloses a packaging system for wrapping the covered stacks in a bag, followed by boxing the bagged stacks on a pallet, but does not disclose forming the boxes in which the bagged stacks are wrapped. Loree et al. teaches a system of stacking sheets (20) and packaging, placing covers (18) over the stacks, bagging (72) the covered stacks, and boxing (78) the bagged stacks, including means for bending and forming the boxes and means for inserting the bagged stacks into the boxes. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Morimoto et al. to include the box forming means of Loree et al. for the purpose of reducing labor costs associated with packaging the bagged stacks for distribution (Loree et al.-column 2, lines 49-51).

#### *Response to Arguments*

7. Applicant's arguments filed May 13, 2004 have been fully considered but they are not persuasive. Applicant has argued that Morimoto et al. fails to disclose a cutting/stacking means which forms the sheets by cutting a continuous sheet at a regular length, and which stacks only the sheets in the predetermined number, as presently claimed. Examiner disagrees based on the disclosure of Morimoto and figure 2, which

Art Unit: 3721

clearly shows sheets being cut (104) from a continuous web (36), whereby the cut sheets are subsequently stacked (400A, 400B) in a predetermined number.

Applicant has also argued that Morimoto does not disclose includes a first handling means for placing one of the protective cover and the stacked sheets on an upper surface of the other of the protective cover and the stacked sheets, as presently claimed. On this account, Examiner also disagrees. Column 32 line 38- column 33 line 37 of Morimoto clearly discusses the handling means by which assembled and covered sheets are stacked upon a number of assembled and covered sheets, and eventually discharged for palletizing and transporting.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and

Art Unit: 3721

recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
December 1, 2004

  
SCOTT A. SMITH  
PRIMARY EXAMINER